

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MUTUAL FUND PUBLISHING  
COMPANY,

Plaintiff,

v.

STEVENS HOWARD PROFESSIONAL  
PUBLISHING, LLC and JILL SIMMONS  
PAYROLL

Defendants.

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Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff, Mutual Fund Publishing Company (“Mutual Fund Publishing”), by and through its undersigned counsel, and for its Complaint against Defendants Stevens Howard Professional Publishing, LLC (“SHPP”) and Jill Simmons Payroll (“JSP”), states as follows:

**INTRODUCTION**

1. This action arises out of Defendants’ unlawful use of Mutual Fund Publishing’s various copyrights. Defendant SHPP has directly infringed Mutual Fund Publishing’s copyrights in and relating to Mutual Fund Publishing’s tax reference books/guides by copying certain information and compilation contained within those tax reference books/guides. Such infringement by SHPP is evidenced by SHPP’s use of certain imaginary funds created by Mutual Fund Publishing in SHPP’s own tax reports. Mutual Fund Publishing created numerous imaginary funds and used those names in its tax reference books/guides. One example is an imaginary fund called “IGU” (the meaning “I Got You”). Although, the name “IGU” and related information is created by Mutual Fund Publishing and thus is not available from any other public source, SHPP’s tax reports include the exact same fund name “IGU” and related information.

SHPP has been copying Mutual Fund Publishing's copyrighted materials, including the fund information, for many years with knowledge that those materials are copyrighted. By copying Mutual Fund Publishing's copyrighted materials, SHPP was able to make its tax reports competitive with Mutual Fund Publishing's tax reference books/guides.

2. Defendant JSP contributed to and allowed the infringing acts of SHPP. JSP entered into a license contract with Mutual Fund Publishing. By breaching the contract, which prevents JSP from sharing its license with others, JSP provided Mutual Fund Publishing's copyrighted materials to SHPP and/or provided the access information to SHPP such that SHPP can assess Mutual Fund Publishing's copyrighted materials to copy the information contained within them. As demonstrated throughout this Complaint, Mutual Fund Publishing's business has been injured and Mutual Fund Publishing incurred damages due to Defendants' infringement.

### **PARTIES**

3. Plaintiff Mutual Fund Publishing is a corporation organized under the laws of the State of Missouri and has its principal place of business located at 14382 Woodlake Dr., Chesterfield, Missouri 63017.

4. Defendant Stevens Howard Professional Publishing, LLC is a limited liability company organized under the laws of the State of Oregon, with its principal place of business located at 62125 Byram Road, Bend, Oregon 97701.

5. Defendant Jill Simmons Payroll is a limited liability company organized under the laws of the State of Oregon, with its principal place of business located at 22539 Martee Ln., Bend, Oregon 97701.

### **JURISDICTION AND VENUE**

6. This is an action arising under the Copyright Laws of the United States pursuant to 17 U.S.C. § 101 *et seq.* Thus, this Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338. Furthermore, all remaining claims within this action are so related to the claims providing this Court with original jurisdiction so as to provide this Court with supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

7. This Court has personal jurisdiction over Defendants by virtue of Defendants' regular commercial and business activities within and/or directed to the State of Missouri.

8. This Court has general jurisdiction over Defendant SHPP because SHPP has continuous and systematic contacts with this forum. Upon information and belief, SHPP regularly conducts business in the State of Missouri by contacting its customers or offering to sell and/or selling its products and/or services to its customers in the State of Missouri.

9. This Court has specific jurisdiction over SHPP because SHPP purposefully directed its activities to residents of this forum and this action arises out of or relates to its contacting of or offering to sell and/or selling its products and/or services to its customers in the State of Missouri. Further, upon information and belief, SHPP contacted Mutual Fund Publishing and purchased Mutual Fund Publishing's tax reference books/guides and directed its intermediary, JSP, to contact Mutual Fund Publishing and purchase Mutual Fund Publishing's tax reference books/guides. In addition, SHPP is subject to long-arm statute personal jurisdiction of this Court according to § 506.500 R.S. Mo., because, upon information and belief, SHPP transacted businesses, made contracts, and/or committed torts against Mutual Fund Publishing in the State of Missouri.

10. This Court has general jurisdiction over Defendant JSP because JSP has continuous and systematic contacts with this forum. Upon information and belief, JSP regularly engages in business with Mutual Fund Publishing by contacting Mutual Fund Publishing (or Mutual Fund Publishing's website), entering into a contract with Mutual Fund Publishing, and purchasing Mutual Fund Publishing's tax reference books/guides. Upon information and belief, JSP makes payments to Mutual Fund Publishing in Missouri.

11. This Court has specific jurisdiction over JSP because JSP purposefully directed its activities to residents of this forum and this action arises out of or relates to its contacting of Mutual Fund Publishing (or Mutual Fund Publishing's website), entering into a contract with Mutual Fund Publishing, and purchasing of Mutual Fund Publishing's tax reference books/guides. In addition, JSP is subject to long-arm statute personal jurisdiction of this Court according to § 506.500 R.S. Mo., because, upon information and belief, JSP transacted businesses, made contracts, and/or committed torts against Mutual Fund Publishing in the State of Missouri.

12. Venue is proper pursuant to 28 U.S.C. § 1391(b) because all or some part of the events or omissions giving rise to the cause of action occurred in the Eastern District of Missouri.

## FACTUAL BACKGROUND

### Plaintiff Mutual Fund Publishing's Business

13. Plaintiff Mutual Fund Publishing has been in the business of providing services and/or products relating to tax return preparation for over 20 years. In particular, Mutual Fund Publishing provides and sells mutual fund tax reference books/guides that can be used for preparation of state income tax returns. Mutual Fund Publishing began publishing its tax reference books/guides on mutual funds in 1994.

14. Mutual Fund Publishing markets and sells its products under the names "Mutual Fund Tax Guide," "US Treasury's Reference Book," and "Municipal's Reference Book." Exemplary copies of Mutual Fund Publishing's US Treasury's Reference Book and Municipal's Reference Book" are provided below.

ALL FIGURES SHOWN ARE PERCENTAGES

MUTUAL FUND / ETF		2015 EARNINGS FROM US GOVERNMENT OBLIGATIONS										U.S. GOV'T OBLIGATIONS HELD AT QUARTER END				> 50% Held @ ea. Qtr End
FAMILY	NAME	UST	FAB	FFCB	SLMA	FHLB	FNMA GNMA	FHLMC	REPOS	TVA	OTHER	1st	2nd	3rd	4th	
American Funds	Washington Mutual Investors		0.07													N
American Independence	Boyd Watterson Core Plus		15.96													
American Independence	Boyd Watterson Short Term Enhanced Bond		1.03													
American Independence	International Alpha Strategies															
American Independence	JAFornines Risk Managed Allocation															
American Independence	Laffer Dividend Growth															
American Independence	Large Cap Growth															
American Independence	Rx Dynamic Stock															
American Independence	Rx MAR Tactical Growth															
American Independence	Rx MAR Tactical Moderate Growth															
American Independence	Rx Tactical Rotation															
American Independence	Rx Traditional Allocation															
American Independence	US Inflation Indexed		100.00													
American Trust	Allegiance															
AMF	Large Cap Equity															
AMF	Short US Government	0.17					73.68	25.95								
AMF	Ultra Short Mortgage	0.30					90.83	5.53								
AMG	Chicago Equity Partners Balanced		19.10													N
AMG	GW&K Core Bond		3.62													N
AMG	GW&K Enhanced Core Bond		3.47													N
AMG	Managers Bond		3.62													N
AMG	Managers Global Income Opportunity		0.66													N
AMG	Managers Intermediate Duration Government															N
AMG	Managers Short Duration Government		1.92													N
Amundi Smith Breeden	Total Return		12.29													N
Anchor Capital	Enhanced Equity															
Ancora	Growth Equity															
Ancora	Mid Cap Value	0.05														
Ancora	US Government Fixed Income	16.89					41.51			OI		41.60				
Anfield	Universal Fixed Income						3.69	0.42								
Angel Oak	Flexible Income						0.66	0.27								
Angel Oak	Multi Strategy Income						1.14	0.37								
Apex	Small/Mid Cap Growth															
Applesseed	The Applesseed Fund	1.26														

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2015 MUNICIPAL EARNINGS BY STATE											ALL FIGURES SHOWN ARE PERCENTAGES																		
FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	
American Century Intermediate Term Tax Free Bond *	0.00			2.00		18.00	2.00	1.00		1.00	6.00	2.00	1.00		6.00	2.00			1.00	1.00		1.00	4.00	4.00	1.00	1.00			
American Century Intermediate Term Tax Free Bond *	* Note - % of income taxable to UT residents is 79.00%.																												
American Century Long Term Tax Free *	0.00			3.00		23.00	3.00			1.00	5.00	3.00	1.00	1.00	6.00				1.00			1.00	3.00	2.00			1.00		
American Century Long Term Tax Free *	* Note - % of income taxable to UT residents is 83.00%.																												
American Century Tax Free Money Market *	18.00	1.00				36.00	2.00				2.00	5.00		2.00	7.00					3.00		1.00			2.00		1.00		
American Century Tax Free Money Market *	* Note - % of income taxable to UT residents is 75.00%.																												
American Funds High Income Muni Bond *	17.83	0.75	0.04	2.47	0.01		4.99	0.99	0.01	0.22	7.62	3.01	0.29	0.63		2.01	1.19	0.39	0.67	1.75	0.41	0.70	1.81	5.94		0.20	1.77	0.25	
American Funds High Income Muni Bond *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds Limited Term Tax Exempt Bond Fund of America *	21.14	0.68	0.05	1.97	0.01		1.73	0.73	0.04	1.37	10.83	3.40	0.92	0.39		3.98	0.04	0.14	1.24	1.85	0.11	0.76	1.67	5.47		0.10	0.88	0.01	
American Funds Limited Term Tax Exempt Bond Fund of America *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds Short Term Tax Exempt Bond *	26.57	0.94	0.17	1.25			0.92	1.75	0.08	0.75	8.21	2.48	0.74	0.41		1.63	0.06		0.01	0.80	0.76	1.33	4.67	4.57		0.47	2.33	0.67	
American Funds Short Term Tax Exempt Bond *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds Tax Advantaged Income Portfolio *	9.90	0.90	0.03	2.66	0.01		4.22	0.71	0.02	0.46	7.79	3.31	0.28	0.43		2.16	0.86	0.42	0.63	2.04	0.31	0.72	2.14	5.23		0.24	1.54	0.14	
American Funds Tax Advantaged Income Portfolio *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds Tax Exempt Fund of NY	11.12																												
American Funds Tax Exempt Preservation Portfolio *	13.42	0.83	0.04	2.31	0.01		2.29	0.60	0.04	1.15	10.07	3.50	0.68	0.32		3.38	0.19	0.26	1.00	2.05	0.14	0.76	1.99	5.05		0.17	1.02	0.01	
American Funds Tax Exempt Preservation Portfolio *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds The Tax Exempt Bond Fund of America *	0.00	1.08	0.01	2.89	0.01		3.26	0.37	0.04	0.77	8.76	3.68	0.27	0.19		2.35	0.44	0.46	0.57	2.41	0.19	0.75	2.55	4.35		0.29	1.26		
American Funds The Tax Exempt Bond Fund of America *	* Note - IN includes income from obligations from all states acquired prior to 1/1/2012. UT includes income from obligations of certain other states and obligations from all states acquired prior to 1/1/2003.																												
American Funds The Tax Exempt Fund of CA	6.17					100.00																							
American Funds The Tax Exempt Fund of MD	7.14																				100.00								
American Funds The Tax Exempt Fund of VA	7.99																												
American Independence KS Tax Exempt																		98.52											
AMG GW&K Muni Bond	0.00			4.26		8.45	2.15	0.35		3.01	4.42	2.14		0.56	5.77	0.74		0.35	1.20			0.95	4.25	1.41	1.15	0.53	1.54		
AMG GW&K Muni Enhanced Yield	6.42			0.41		5.50	2.37			4.00	8.24	1.20			5.82	1.42		0.18	0.89	4.20			4.67	2.80					
Ancora Municipal Obligations		0.09		1.10		8.49	2.98	2.89	0.02	0.17	6.84	3.35	2.12		6.70	1.01	0.89	0.40	1.79	2.67	0.64	2.12	3.67	2.18		1.11	0.97		
Appollo National Municipal Bond		0.31	0.11	0.29	0.32	8.89	1.19	3.98	0.18	0.90	7.98	3.25	0.49	0.42	0.55	1.38	0.25	0.10	0.39	1.91	0.04	5.39	4.99	1.59	4.01	0.79			

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15. The Mutual Fund Tax Guide is a tax guide that includes such information as the percentage of US government obligations earned in mutual funds, municipal bond fund earnings by state, percentage of income subject to AMT (Alternative Minimum Tax), corporate dividend received deduction, and foreign income to calculate the foreign tax credit. The Mutual Fund Tax Guide is available as both a desktop application and a web access application.

16. The percentage of US government obligations earned in mutual funds is available in book form as the US Treasury's Reference Book.

17. The municipal bond fund earnings by state and the percentage of income subject to AMT is available in book form as the Municipal's Reference Book.

18. Mutual Fund Publishing puts a significant amount of effort and time in creating these tax reference books/guides. Mutual Fund Publishing contacts mutual fund companies and

searches their websites looking for the annual tax information. Next, Mutual Fund Publishing compiles the collected information in its own specific formats and then creates its own tax reference books/guides. The formats include a hardcopy book, a shared Microsoft Excel workbook modified with VBA coding, and an online database accessible via username and password. Mutual Fund Publishing then publishes the compiled material to subscribers. Mutual Fund Publishing publishes the compiled material in a form of a book or ships the book to subscribers around mid-February every year. Due to a high volume of work in creating its tax reference books/guides, Mutual Fund Publishing usually hires a few extra people on a temporary basis during this busy time.

19. The first editions of the tax reference guide and online guide are published usually at the end of January every year. The second editions are included in the printed books and are published in the middle of February every year. The final editions are published usually around the middle of March every year.

### **The Copyrights**

20. In order to increase sales and attract additional customers, Mutual Fund Publishing creates unique, original, and creative tax reference books/guides such as the US Treasury's Reference Books, Municipal's Reference Books, Mutual Fund Tax Guides, and Mutual Fund Online Tax Guides.

#### ***US Treasury's Reference Books***

21. Mutual Fund Publishing owns the copyrights in the information and compilation contained within the US Treasury's Reference Books. Mutual Fund Publishing has registered copyrights for the information and compilation contained within the US Treasury's Reference Books. The copyright registrations for the US Treasury's Reference Books that were published

between 2011 and 2013 are attached hereto as Exhibit 1. Mutual Fund Publishing also owns the copyrights in the pending copyright registration applications for the US Treasury's Reference Books that were published after 2013. The pending applications are attached hereto as Exhibit 2.

***Municipal's Reference Books***

22. Mutual Fund Publishing owns the copyrights in the information and compilation contained within the Municipal's Reference Books. Mutual Fund Publishing has registered copyrights for the information and compilation contained within the Municipal's Reference Books. The copyright registrations for the Municipal's Reference Books that were published between 2011 and 2013 are attached hereto as Exhibit 3. Mutual Fund Publishing also owns the copyrights in the pending copyright registration applications for the Municipal's Reference Books that were published after 2013. The pending applications are attached hereto as Exhibit 4.

***Mutual Fund Tax Guides***

23. Mutual Fund Publishing owns the copyrights in the information and compilation contained within the Mutual Fund Tax Guides. Mutual Fund Publishing has registered copyrights for the information and compilation contained within the Mutual Fund Tax Guides that were published from 2000 to 2005. The copyright registrations for the Mutual Fund Tax Guides that were published between 2000 and 2005 are attached hereto as Exhibit 5. The copyright registrations for the Mutual Fund Tax Guides that were published between 2012 and 2016 are pending. The pending applications are attached hereto as Exhibit 6.

***Mutual Fund Online Tax Guides***

24. Mutual Fund Publishing owns the copyrights in the information and compilation contained within Mutual Fund Publishing's Mutual Fund Online Tax Guides. The Mutual Fund Online Tax Guides are website versions of the Mutual Fund Tax Guides. The copyright

registrations for the Mutual Fund Online Tax Guides that were published between 2012 and 2016 are pending. The pending applications are attached hereto as Exhibit 7.

### ***Other Registrations***

25. Mutual Fund Publishing also owns the copyrights in the information and compilation contained within the US Treasury's Reference Books and Municipal's Reference Books that were published before 2013.

### **Defendant SHPP's Infringing Activities**

26. Upon information and belief, Defendant SHPP is in the business of providing services and/or products relating to tax return preparation. Like Plaintiff Mutual Fund Publishing, SHPP provides and sells mutual fund tax reference books that can be used for preparation of state income tax returns.

27. Examples of SHPP's products include, but are not limited to, "Government Obligations Report" and "State Percentages for Municipal Bond Funds." A copy of SHPP's website showing SHPP's products (attached hereto as Exhibit 8) is provided below.

The screenshot displays the Stevens Howard Professional Publishing website. The header features the company logo and name, along with navigation links: HOME, LEARN MORE, SHOP, MY ACCOUNT, and a search icon. The main content area showcases two spiral-bound books. The first book, 'State Percentages Municipal Bond', has a cover with a man in a suit. The second book, 'U.S. Government Obligations Report', also features a man in a suit. To the right of the books, the text '2015 U.S. Government Obligations Report & State Percentages for Municipal Bond Funds' is prominently displayed. Below this text is a large orange button labeled 'Buy Now'.

28. Upon information and belief, the Government Obligations Report is a tax reference/guide that shows the percentage of income derived from US Government obligations for mutual funds. *See* Exhibit 8. The State Percentages for Municipal Bond Funds is a tax reference/guide that shows the percentage of income derived from each state for municipal bond mutual funds. *See* Exhibit 8.

29. Upon information and belief, SHPP was originally incorporated in 2001 by an individual named Brian Stevens with the State of Oregon. Upon information and belief, SHPP was dissolved in November 2003.

30. Upon information and belief, SHPP was registered again by an individual named Wendy Knowles with the State of Oregon on November 25, 2003. Although SHPP was administratively dissolved in 2005, Wendy Knowles and her husband Mark Knowles registered SHPP again in 2010 with the State of Oregon as members of SHPP.

31. Upon information and belief, Mark Knowles began purchasing Mutual Fund Publishing's tax reference books/guides in 2003. A copy of a record showing Mark Knowles' purchase of Mutual Fund Publishing's tax reference books/guides is attached hereto as Exhibit 9.

### **Imaginary Funds**

32. Mutual Fund Publishing, being suspicious that SHPP was copying Mutual Fund Publishing's materials, it started using imaginary funds in its tax reference books/guides.

33. One such example of the imaginary funds created by Mutual Fund Publishing is a fund called "IGU" (the meaning "I Got You"). A select copy of Mutual Fund Publishing's 2015 US Treasury's Reference Book with the imaginary fund "IGU" (attached thereto as Exhibit 10) is provided below.


MUTUAL FUND / ETF		2015 EARNINGS FROM US GOVERNMENT OBLIGATIONS										
FAMILY	NAME	UST	FAB	FFCB	SLMA	FHLB	FNMA GNMA	FHLMC	REPOS	TVA	C	
Ibbotson	Aggressive Growth ETF Asset Allocation Portfolio											
Ibbotson	Balanced ETF Asset Allocation Portfolio											
Ibbotson	Conservative ETF Asset Allocation Portfolio											
Ibbotson	Growth ETF Asset Allocation Portfolio											
Ibbotson	Income & Growth ETF Asset Allocation Portfolio											
ICM	Small Company Portfolio											
ICON	Bond		0.71									
ICON	Consumer Discretionary											
ICON	Consumer Staples											
ICON	Emerging Markets											
ICON	Energy											
ICON	Equity Income											
ICON	Financial											
ICON	Healthcare											
ICON	High Yield											
ICON	Industrials											
ICON	Information Technology											
ICON	International Equity											
ICON	Long/Short											
ICON	Materials											
ICON	Opportunities											
ICON	Risk Managed Balanced		3.98									
ICON	The ICON Fund											
ICON	Utilities											
IGU	Government Bond		27.93				65.31	4.16	2.60			
IGU	Money Market		6.10				12.57					
Iman	The Iman Fund											
Independent Franchise Ptnrs	US Equity											
Index	S&P 500 Equal Weight											
Infinity Q	Diversified Alpha											
Innovator	McKinley Income											
Insignia	Macro		2.99									
Institutional	Diversified Stock											
INTECH	Emerging Markets Managed Volatility											

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34. As shown in the above, the imaginary funds “IGU Government Bond” and “IGU Money Market” and the corresponding earnings thereto are created and compiled by Mutual Fund Publishing; and therefore, the same information is not available from any other public source.

35. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “IGU” from the Mutual Fund Publishing’s 2015 US Treasury’s Reference Book. A select copy of SHPP’s 2015 US

Government Obligations Report with the copied imaginary fund “IGU” (attached hereto as Exhibit 11) is provided below:



U.S. Government

Obligations Report

Fund Family	Fund Name	USGO	FAO	FFCB	FHLB	FHLMC	FNMA	GNMA	SLMA	RePo
ICM	ICM Small Company Portfolio*	0.00								
	Did not meet the threshold for CA, CT, & NY*									
ICON	ICON Bond Fund	0.71								
	ICON Consumer Discretionary Fund									
	ICON Consumer Staples									
	ICON Emerging Markets Fund									
	ICON Energy Fund									
	ICON Equity Income Fund									
	ICON Financial Fund									
	ICON Fund									
	ICON Healthcare Fund									
	ICON High Yield Fund (liquidated Sept. 2015)									
	ICON Industrials Fund									
	ICON Information Technology Fund									
	ICON International Equity Fund									
	ICON Long/Short Fund									
	ICON Materials Fund									
	ICON Opportunities Fund									
	ICON Risk-Managed Equity Fund	3.98								
	ICON Utilities Fund									
		No funds listed met the threshold for CA, CT, & NY								
IGU	IGU Government Bond		27.93			4.16	*	*		2.60
	IGU Money Market		6.10							
Iman	Iman Fund	0.00								
IMS Funds	IMS Small Cap Fund									

36. As shown in the above, the fund names “IGU Government Bond” and “IGU Money Market” are shown in the SHPP 2015 US Government Obligations Report. Further, the exact same entries for the FAO are also copied into the SHPP report from the Mutual Fund Publishing reference book. For example, the SHPP 2015 US Government Obligations Report shows that “IGU Government Bond” has “27.93” earning for the FAO and “IGU Money Market” has “6.10” earning for the FAO respectively. These earnings are identical to those of the Mutual Fund Publishing reference book. Upon information and belief, the information used in the SHPP report pertaining to the “IGU” funds is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

**SHPP's Copying of Mutual Fund Publishing's 2013 Tax Reference Books**

37. Mutual Fund Publishing created imaginary fund names such as “MAI Wealth,” “Thames Capital Trust,” and “Winter Stone Advisors” and used such names for its 2013 US Treasury’s Reference Books. These imaginary funds are Mutual Fund Publishing’s own creation. There are no publicly available institutional or retail funds with those imaginary names. A copy of Mutual Fund Publishing’s 2013 US Treasury’s Reference Book showing the imaginary funds “MAI Wealth,” “Thames Capital Trust,” and “Winter Stone Advisors” is attached hereto as Exhibit 12. Mutual Fund Publishing also created an imaginary fund name “Ancora” and used the imaginary names “Ancora,” “MAI Wealth,” “Thames Capital Trust,” and “Winter Stone Advisor” for its 2013 Municipal’s Reference Books. A copy of Mutual Fund Publishing’s 2013 Municipal’s Reference Book showing the imaginary funds “Ancora,” “MAI Wealth,” “Thames Capital Trust,” and “Winter Stone Advisors” is attached hereto as Exhibit 13.

***MAI Wealth***

38. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary funds from Mutual Fund Publishing’s 2013 tax reference books. A select copy of Mutual Fund Publishing’s 2013 US Treasury’s Reference Book showing the imaginary fund name “MAI Wealth” is provided below:


## ALL FIGURES SHOWN ARE PERCENTAGES

MUTUAL FUND / ETF		2013 EARNINGS FROM US GOVERNMENT OBLIGATIONS									
FAMILY	NAME	UST	FAB	FFCB	SLMA	FHLB	FNMA GNMA	FHLMC	REPOS	TVA	(
Lord Abbett	Multi Asset Balanced Opportunity										
Lord Abbett	Multi Asset Global Opportunity										
Lord Abbett	Multi Asset Growth										
Lord Abbett	Multi Asset Income										
Lord Abbett	Short Duration Income	0.13			0.39		1.94	2.82	0.02		
Lord Abbett	Small Cap Value										
Lord Abbett	Total Return	5.37			0.34		5.03	1.53	0.05	0.16	
Lord Abbett	USG & GSE Money Market	7.09				40.59	16.40	21.69	13.66		
Lord Abbett	Value Opportunities										
LSV	Conservative Core Equity										
LSV	Conservative Value Equity										
LSV	Small Cap Value										
LSV	Value Equity										
Lyrical	US Value Equity										
Macquarie	First Trust Global Infrastructure/Util Div & Inc										
Macquarie	Global Infrastructure Total Return										
Madison	Conservative Allocation	4.30	0.06				1.83				
Madison	Core Bond	48.19	0.66				19.59				
Madison	Diversified Income	10.14					10.44				
Madison	Government Bond	23.14	14.60				59.20				
Madison	High Quality Bond	18.65	0.54				11.01				
Madison	Moderate Allocation	3.21	0.04				1.36				
Madrona	Forward Domestic ETF										
Madrona	Forward Global Bond ETF										
Madrona	Forward International ETF										
MAI Wealth	Large Cap Value									0.24	
MAI Wealth	Small Cap Value									0.15	
MainGate	MLP										
MainStay	Balanced		1.60								
MainStay	Global High Income		0.20								
MainStay	Government		5.40								
MainStay	High Yield Corporate Bond		0.10								
MainStay	High Yield Opportunities		1.00								

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39. As shown in the above, the “MAI Wealth” fund has two sub-names: “MAI Wealth Large Cap Value” and “MAI Wealth Small Cap Value.” “MAI Wealth Large Cap Value” has “0.24” earning for the TVA and “MAI Wealth Small Cap Value” has “0.15” earning for the TVA. The information relating to these imaginary funds is created and compiled by Mutual Fund Publishing; and therefore, the information is not available from any other publicly available source. Further, as shown in the above, Mutual Fund Publishing’s 2013 US Treasury’s Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

40. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “MAI Wealth” from the Mutual Fund Publishing’s 2013 US Treasury’s Reference Book. A select copy of SHPP’s 2013 US Government Obligations Report showing the copied imaginary fund “MAI Wealth” (attached hereto as Exhibit 14) is provided below:



**U.S. Government Obligations Report**

Fund Family	Fund Name	USGO	FAO	FFCB	FHLB	FHLMC	FNMA	GNMA	SLMA	RePo	TVA	T
Madison	Madison Government Bond Fund	37.75	59.20									
	Madison High Quality Bond Fund	19.20	11.01									
	Madison Moderate Allocation Fund	3.27	1.36									
Madrona	See "AdvisorShares"											
MAI	Wealth Large Cap Value										0.24	
	Wealth Small Cap Value										0.15	
MainGate	MainGate MLP Fund	0.00										

41. As shown in the above, the fund names “MAI Wealth Large Cap Value” and “MAI Wealth Small Cap Value” are shown in the SHPP 2013 US Government Obligations Report. Further, the exact same entries for the TVA are also copied into the SHPP report from the Mutual Fund Publishing reference book. For example, the SHPP 2013 US Government Obligations Report shows that “MAI Wealth Large Cap Value” earned “0.24” for the TVA and “MAI Wealth Small Cap Value” earned “0.15” for the TVA respectively. Upon information and belief, the information used in the SHPP report pertaining to the “MAI Wealth” funds is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

### ***Thames Capital Trust***

42. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “Thames Capital Trust” from the Mutual Fund Publishing’s 2013 US Treasury’s Reference Book. A select copy of Mutual Fund

Publishing's 2013 US Treasury's Reference Book showing the imaginary fund name "Thames Capital Trust" is provided below:

ALL FIGURES SHOWN ARE PERCENTAGES

MUTUAL FUND / ETF		2013 EARNINGS FROM US GOVERNMENT OBLIGATIONS									
FAMILY	NAME	UST	FAB	FFCB	SLMA	FHLB	FNMA GNMA	FHLMC	REPOS	TVA	
Templeton	Global Smaller Companies										
Templeton	Global Total Return										
Templeton	Growth Fund, Inc										
Templeton	International Bond										
Templeton	Russia & East European Fund, Inc										
Templeton	TIF Emerging Markets										
Templeton	TIF Foreign Equity Series										
Templeton	TIF Foreign Smaller Companies Series										
Templeton	TIF Global Equity Series										
Templeton	World										
Teton Westwood	Balanced		5.58								
Teton Westwood	Equity										
Teton Westwood	Income		0.39								
Teton Westwood	Intermediate Bond		17.26								
Teton Westwood	Mid Cap Equity										
Teton Westwood	Mighty Mites										
Teton Westwood	SmallCap Equity										
Texas	The Texas Fund										
TFS	Hedged Futures										
TFS	Market Neutral										
TFS	Small Cap										
Thames Capital Trust	Balanced Allocation			1.75		3.82	23.04	15.85			
Thames Capital Trust	Conservative Allocation	2.71		1.58		14.99	27.83	24.44			
Thames Capital Trust	Growth Allocation						8.37	3.10			
THB	Microcap										
THB	Small Cap Value										
Thesis	Flexible										
Third Avenue	Focused Credit										
Third Avenue	International Value										
Third Avenue	Real Estate Value										
Third Avenue	Small Cap Value	0.03									
Third Avenue	Value	0.01									
Thomas White	American Opportunities										

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43. As shown in the above, the "Thames Capital Trust" fund has three sub-names: "Thames Capital Trust Balanced Allocation," "Thames Capital Trust Conservative Allocation," and "Thames Capital Trust Growth Allocation." "Thames Capital Trust Balanced Allocation" has "15.85" earning for the FHLMC, "Thames Capital Trust Conservative Allocation" has "24.44" earnings for the FHLMC, and "Thames Capital Trust Growth Allocation" has "3.10" earning for the FHLMC respectively. The information relating to these imaginary funds is

created and compiled by Mutual Fund Publishing; and therefore, the information is not available from any other publicly available source. Further, as shown in the above, Mutual Fund Publishing's 2013 US Treasury's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

44. A select copy of SHPP's 2013 US Government Obligations Report showing the copied imaginary fund "Thames Capital Trust" (attached hereto as Exhibit 15) is provided below:



**U.S. Government  
Obligations Report**

Fund Family	Fund Name	USGO	FAO	FFCB	FHLB	FHLMC	F
TD Asset Man.	Global Equity Shareholder Yield Fund						
	Global Low Volatility Equity Fund						
	High Yield Bond Fund						
	Institutional Money Market Fund	0.29			0.65	0.55	
	Institutional Treasury Obligations Money Market Fund*	57.60					
	Institutional US Government Fund	1.68		7.36	32.09	14.55	
	Money Market Portfolio	0.12			0.54	0.43	
	Short-Term Bond Fund	5.17				6.86	
	Short-Term Investment Fund						
	Target Return Fund	3.50					
	US Equity Shareholder Yield Fund						
	US Government Portfolio	1.46		6.28	32.64	15.17	
	US Large Cap Core Equity Fund						
	US Small-Mid Cap Equity Fund						
	Held over 50% in US gov't obligations at 12/31/13*						
Tealeaf	Long/Short Deep Value Fund - Class A & C	0.00					
TEAM Assets	TEAM Asset Strategy Fund	0.00					
Teberg	The Teberg Fund						
	Information not available at time of publishing						
Templeton	See "Franklin Templeton"						
Teton Westwood	See "Gabelli"						
Texas	The Texas Fund	0.00					
TFS Capital	TFS Hedged Futures Fund	0.00					
	TFS Market Neutral Fund	0.00					
	TFS Small Cap Fund	0.00					
Thames	Capital Trust Balanced Allocation Fund			1.75	3.82	15.85	
	Capital Trust Conservation Allocation Fund	2.71		1.58	14.99	24.44	
	Capital Trust Growth Allocation Fund					3.10	
Third Avenue	Third Avenue Focused Credit Fund						

45. As shown in the above, the fund names "Thames Capital Trust Balanced Allocation," "Thames Capital Trust Conservative Allocation," and "Thames Capital Trust Growth Allocation" are shown in the SHPP 2013 US Government Obligations Report. Further,

the exact same entries for these imaginary funds are also copied into the SHPP report from the Mutual Fund Publishing reference book. For example, the SHPP 2013 US Government Obligations Report shows that “Thames Capital Trust Balanced Allocation” earned “15.85” for the FHLMC, “Thames Capital Trust Conservative Allocation” earned “24.44” for the FHLMC, and “Thames Capital Trust Growth Allocation” earned “3.10” for the FHLMC respectively. Upon information and belief, the information used in the SHPP report pertaining to the “Thames Capital Trust” funds is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

***MAI Wealth Tax Free Income***

46. Upon information and belief, SHPP also copied the fund information from Mutual Fund Publishing’s 2013 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2013 Municipal’s Reference Book showing the imaginary fund name “MAI Wealth Tax Free Income” is provided below:

## ALL FIGURES SHOWN ARE PERCENTAGES

FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Madison Tax Free National - 09/2013		5.49		3.47	1.53		1.57				13.34	2.76			3.62	8.34	2.18	
Madison Tax Free National - 10/2013		5.52		3.53	1.55		1.59				13.57	2.81			3.56	8.61	2.19	
Madison Tax Free National - 11/2013		5.77		3.64	1.60		1.65				15.05	2.90			1.54	8.93	2.29	
Madison Tax Free National - 12/2013 *																		
Madison Tax Free National - 12/2013*	* Note- The % for December is reflected as zero because the December income distribution was not paid until January 9, 2014 and will be																	
Madison Tax Free VA	4.96																	
MAI Wealth Tax Free Income		1.01	1.95	2.83	2.67	1.01	2.88	1.99	0.60	2.31	1.24	1.02	1.02	1.96	2.80	1.68	2.58	1.68
MainStay CA Tax Free Opportunities *	5.42					94.10												
MainStay CA Tax Free Opportunities*	* Note - None of the federally exempt interest dividends are subject to CA state personal income tax.																	
MainStay High Yield Muni Bond *	7.70	3.50	0.90	2.10		19.50	2.40	0.40	0.30	0.90	3.60	0.50			2.30	2.80	2.20	0.50
MainStay High Yield Muni Bond*	* Note - None of the tax exempt dividends qualify for an exemption in CA, MN & NJ due to state restrictions.																	
MainStay NY Tax Free Opportunities	5.85																	
MainStay Tax Free Bond *	4.73	0.60		0.70		24.20	0.70	0.90		1.90	4.80	1.70	0.80		4.30	1.10		0.80
MainStay Tax Free Bond*	* Note - None of the tax exempt dividends qualify for an exemption in CA, MN & NJ due to state restrictions.																	
Managed Duration Investment Grade Muni		2.12	0.53	1.69	0.02	6.18	0.39	0.82	1.69	1.29	6.75	0.15	0.69		10.46	0.01	3.89	
Managers CA Intermediate Tax Free	0.00					97.45												
Managers GW&K Muni Bond	0.00			4.31		9.93	2.11			0.24	6.88	0.07			6.85		0.40	0.70
Managers GW&K Muni Enhanced Yield	3.38	1.08		6.80		7.83	2.99	0.03		3.87	4.56		0.47		2.17	4.58	2.83	
Manning & Napier Diversified Tax Exempt Series	0.00	0.21	0.25	0.82	2.29	0.35	2.40	0.12	1.38	0.71	5.98	6.63	1.57		0.87	7.01	2.88	1.39
Manning & Napier NY Tax Exempt Series	0.00																	
Manning & Napier OH Tax Exempt Series	0.00																	
MFS AL Muni Bond	4.92	78.91		0.36		1.74	0.62				1.11				1.83	0.12		
MFS AR Muni Bond	2.08			0.38	72.84	2.31	0.67			0.04	0.68	0.21			0.99	0.64		
MFS CA Muni	5.43					97.77												
MFS CA Muni Bond	3.87					95.41									1.09			
MFS GA Muni Bond	4.98					1.84	0.74				1.63	77.60			1.96	0.13		

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47. As shown in the above, Mutual Fund Publishing's 2013 Municipal's Reference Book includes the imaginary fund "MAI Wealth Tax Free Income" and the corresponding percentage of income for each state. The information relating to the imaginary fund is created and compiled by Mutual Fund Publishing; and therefore, the information is not available from any other publicly available source. Further, as shown in the above, Mutual Fund Publishing's 2013 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

48. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “MAI Wealth Tax Free Income” from the Mutual Fund Publishing’s 2013 Municipal’s Reference Book. A select copy of SHPP’s 2013 Municipal Bond Funds showing the imaginary fund name “MAI Wealth Tax Free Income” (attached hereto as Exhibit 16) is provided below:

# State Percentages for Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA
JPMorgan	Tax Aware Real Return SMA			0.4	1.0		3.7	2.8	3.5		1.1	3.6	4.2	1.1	0.2	1.8	1.6	0.3
	T/F Bond	0.2	0.1	4.4	3.1	0.1	16.3	3.0		1.8	1.5	2.8	6.3	0.6	0.3	8.3	3.2	0.3
	T/F MMF	20.0	0.2	0.2	0.7		19.4	2.4	0.4	0.9	1.6	3.7	1.7	0.1	0.1	4.4	1.0	0.1
	See Also "Eagle"																	
Lazard	US Muni Port																	
	Information not available at time of publishing																	
Legg Mason	LM Inv Cnsl MD T/F Inc Tr	1.4																
	See Also "Western Asset"																	
Lord Abbett	AMT Free Muni Bond		1.0	0.3	5.3		15.3	2.3	0.7		0.9	5.0	3.2	0.5	0.1	6.7	1.1	0.1
	CA T/F	2.5					100.0											
	High Yield Muni Bond	9.5	3.2	0.6	4.5		14.5	1.5	0.3	0.3	0.1	6.0	1.6	0.1		5.4	1.3	1.6
	Interm T/F	5.0	1.2	0.5	3.4		14.0	1.7	0.5		0.4	6.9	2.8	1.0	0.1	5.3	1.3	0.2
	National T/F	6.8	1.8		3.9	0.1	17.5	0.7	1.4	0.1	0.7	6.2	3.7	1.2		3.6	2.2	0.3
	NJ T/F	6.6																
	NY T/F	11.8																
	Short Duration T/F		0.3	0.7	3.3		13.0	2.7	1.3	0.1	0.0	6.3	2.7	0.3		7.7	2.1	0.2
	Funds did not meet threshold for CA, IL, & MN																	
Madison	T/F National	2.6																
	T/F VA	5.0																
MAI	Wealth T/F Income		1.0	2.0	2.8	2.7	1.0	2.9	2.0	0.6	2.3	1.2	1.0	1.0	2.0	2.8	1.7	2.6

49. As shown in the above, the imaginary fund name “MAI Wealth Tax Free Income” of the Mutual Fund Publishing reference book has been copied into the SHPP report along with the corresponding percentage of income for each state. Upon information and belief, the information used in the SHPP report pertaining to the “MAI Wealth” fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

*Ancora Municipal Obligations*

50. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “Ancora Municipal Obligations” from Mutual Fund Publishing’s 2013 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2013 Municipal’s Reference Book showing the imaginary fund name “Ancora Municipal Obligations” is provided below:

ALL FIGURES SHOWN ARE PERCENTAGES																		
FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
American Century CA High Yield Muni						100.00												
American Century CA Intermediate Term Tax Free Bond						100.00												
American Century CA Long Term Tax Free						100.00												
American Century CA Tax Free Money Market						100.00												
American Century High Yield Muni		1.00		1.00		13.00	6.00				6.00	4.00	1.00		4.00	1.00	1.00	
American Century Intermediate Term Tax Free Bond				2.00		19.00	2.00	1.00		1.00	6.00	2.00	1.00		5.00	1.00		
American Century Long Term Tax Free				3.00		22.00	2.00	1.00		1.00	4.00	2.00	1.00		5.00	1.00		
American Century NY Tax Free																		
American Century Tax Free Money Market		1.00		1.00		37.00	2.00				5.00	1.00		1.00	6.00		1.00	
American Funds High Income Muni Bond *	22.06	0.25		3.22			5.00	1.06	0.02	0.33	8.83	3.35	0.31	0.16		69.07	0.79	0.50
American Funds Limited Term Tax Exempt Bond Fund of America *	19.10	1.01	0.05	2.63			1.95	0.49	0.11	1.59	11.42	3.17	0.93	0.41		81.09	0.13	0.14
American Funds Short Term Tax Exempt Bond *	23.94	1.37	0.27	1.63			1.26	0.69	0.93	0.78	13.29	1.93	0.50	0.47		66.19	0.01	0.10
American Funds Tax Advantaged Income Portfolio *	12.30	0.36	0.04	3.35			4.04	0.68	0.06	0.68	9.11	3.56	0.21	0.12		74.50	0.58	0.47
American Funds Tax Exempt Bond Fund of America *	0.00	0.49	0.10	3.52			2.84	0.19	0.11	1.13	9.47	3.83	0.08	0.08		81.35	0.31	0.44
American Funds Tax Exempt Fund of CA	7.81					100.00												
American Funds Tax Exempt Fund of MD	6.29																	
American Funds Tax Exempt Fund of NY	10.45																	
American Funds Tax Exempt Fund of VA	9.53																	
American Funds Tax Exempt Preservation Portfolio *	12.15	0.82	0.07	2.95			2.27	0.38	0.11	1.42	10.71	3.41	0.62	0.29		81.18	0.20	0.25
American Funds*	* Note - IN includes income from obligations from all states acquired prior to 1/1/12. UT includes income from obligations of certain other																	
Ancora Municipal Obligations		3.00	2.08	2.28	2.10	4.18	0.36	2.37	2.94	0.23	1.01	1.57	0.97	0.13	1.02	1.44	1.35	0.02
Aquila Churchill Tax Free Fund of KY																		
Aquila Hawaiian Tax Free Trust													98.80					
Aquila Narragansett Tax Free Income																		
Aquila Tax Free Fund for UT			0.18								5.08					1.95		
Aquila Tax Free Fund of CO						100.00												

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51. As shown in the above, Mutual Fund Publishing's 2013 Municipal's Reference Book includes the imaginary fund "Ancora Municipal Obligations" and the corresponding percentage of income for each state. The information relating to the imaginary fund is created and compiled by Mutual Fund Publishing; and therefore, the same information is not available from any other publicly available source. Further, as shown in the above, Mutual Fund Publishing's 2013 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

52. A select copy of SHPP's 2013 Municipal Bond Funds showing the imaginary fund name "Ancora Municipal Obligations" (attached hereto as Exhibit 17) is provided below:



**State Percentages for  
Municipal Bond Funds**

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
American	See "First American"																		
American Century	CA H/Y Mun						100.0												
	CA Inter-Term T/F Bond						100.0												
	CA Long Term T/F						100.0												
	CA T/F MM						100.0												
	High Yield Muni		1.0		1.0		13.0	6.0				6.0	4.0	1.0		4.0	1.0	1.0	
	Inter-Term T/F Bond				2.0		19.0	2.0	1.0		1.0	6.0	2.0	1.0		5.0	1.0		
	Long-Term T/F				3.0		22.0	2.0	1.0		1.0	4.0	2.0	1.0		5.0	1.0		
	NY T/F																		
	T/F MM		1.0		1.0		37.0	2.0				5.0	1.0		1.0	6.0		1.0	
American Funds	Amer High-Inc Muni Bond	22.1	0.3		3.2			5.0	1.1	0.0	0.3	8.8	3.4	0.3	0.2		69.1	0.8	0.5
	Amer Short-Term T/E Bond	23.9	1.4	0.3	1.6			1.3	0.7	0.9	0.8	13.3	1.9	0.5	0.5		66.2	0.0	0.1
	Amer T/E Fund of NY	10.5																	
	Amer T/E Preser Port	12.2	0.8	0.1	3.0			2.3	0.4	0.1	1.4	10.7	3.4	0.6	0.3		81.2	0.2	0.3
	Amer Tax Adv Income Port	12.3	0.4	0.0	3.4			4.0	0.7	0.1	0.7	9.1	3.6	0.2	0.1		74.5	0.6	0.5
	Ltd Trm T/E Bnd Fnd of Am	19.1	1.0	0.1	2.6			2.0	0.5	0.1	1.6	11.4	3.2	0.9	0.4		81.1	0.1	0.1
	T/E Bnd Fnd of Am		0.5	0.1	3.5			2.8	0.2	0.1	1.1	9.5	3.8	0.1	0.1		81.4	0.3	0.4
	T/E Fnd of CA	7.8					100.0												
	T/E Fnd of MD	6.3																	
	T/E Fnd of VA	9.5																	
	See Also "First American"																		
	IN - includes income from obl. from all states prior to 2012																		
	UT - includes income from obl. from certain states prior to 2001																		
American Indep.	KS Tax Exempt Bond																		
	Information not available at time of publishing																		
Ancora	Muni Obligations		3.0	2.1	2.3	2.1	4.2	0.4	2.4	2.9	0.2	1.0	1.6	1.0	0.1	1.0	1.4	1.4	0.0
Aquila	Churchill T/F Fund of KY																		

53. As shown in the above, the imaginary fund name "Ancora Municipal Obligations" of the Mutual Fund Publishing reference book has been copied into the SHPP report along with

the corresponding percentage of income for each state. The information used in the SHPP report pertaining to the “Ancora Municipal Obligations” fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

***Thames Capital Trust National Municipal Bond***

54. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “Thames Capital Trust National Municipal Bond” from Mutual Fund Publishing’s 2013 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2013 Municipal’s Reference Book showing the imaginary fund name “Thames Capital Trust National Municipal Bond” is provided below:

**ALL FIGURES SHOWN ARE PERCENTAGES**


FUND NAME	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX
TD Asset Management NY Muni Portfolio						100.00											
Thames Capital Trust National Muni Bond	0.71	0.66		7.87	0.21	18.81	1.08	0.03	0.21		1.89	1.11	0.31	3.28	0.27	1.30	6.0
Thompson Bond				0.21								0.02					
Thornburg CA Limited Term Muni																	
Thornburg Intermediate Muni *		1.59	1.93	1.12	0.96	2.44	0.20	0.23	4.46	0.99		3.62	0.77	2.40	0.42	1.52	7.5
Thornburg Intermediate Muni*																	
Thornburg Limited Term Muni *	0.26	2.00	0.42	2.32	0.90	6.04	1.98	0.05	3.88	1.01	0.26	3.59	1.44	0.75	0.44	1.08	5.9
Thornburg Limited Term Muni*																	
Thornburg NM Intermediate Muni					94.76												
Thornburg NY Intermediate Muni						94.17											
Thornburg Strategic Muni Income *		1.68		0.79	2.03	0.71	0.37		3.22		1.14	5.84	0.48		0.71	0.51	8.96
Thornburg Strategic Muni Income*																	
Thrivent Muni Bond *	1.45		0.13	1.34	0.76	6.68	2.06	0.80	4.17	0.25	0.31	3.99		1.84	0.65	0.48	10.38
Thrivent Muni Bond*																	
TIAA-CREF Tax Exempt Bond *	0.55	0.23	0.47	4.96		11.33	0.79		6.11	0.19	0.17	2.16	1.25	1.35	0.13	0.43	3.09
TIAA-CREF Tax Exempt Bond*																	
Touchstone OH Tax Free Money Market									97.50								
Touchstone Tax Free Money Market	0.89			1.09		3.10	1.18		34.73		0.15	1.64		1.32		1.04	4.41
Transamerica Enhanced Muni	0.15	1.21		2.07	1.01	2.08	1.35	0.02	6.28	0.09	1.08	6.08	0.32	1.57		0.13	7.03
Transamerica High Yield Muni		0.63		0.23		5.35	0.77		3.62		0.63	3.46		3.00			1.72
IBS RMA CA Muni Money			0.08			0.19	0.03		0.19								0.52
IBS RMA NY Muni Money			0.01			98.67	0.04		0.05								0.59
IBS RMA Tax Free	0.25	0.13	0.48	1.85	0.05	10.74	3.34		3.48		1.73	2.85	0.17	1.17	0.34	2.38	15.05
IBS Select Tax Free Capital	0.49	0.76	0.15	0.03		5.10	4.57		0.62		2.28	4.71		1.09		1.42	13.25
BS Select Tax Free Institutional	0.49	0.76	0.15	0.03		5.10	4.57		0.62		2.28	4.71		1.09		1.42	13.25
BS Select Tax Free Investor	0.49	0.76	0.15	0.03		5.10	4.57		0.62		2.28	4.71		1.09		1.42	13.25

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55. As shown in the above, Mutual Fund Publishing's 2013 Municipal's Reference Book includes the imaginary fund "Thames Capital Trust National Municipal Bond" and the corresponding percentage of income for each state. The information relating to the imaginary fund is created and compiled by Mutual Fund Publishing; and therefore, the same information is not available from any other publicly available source. Further, as shown in the above, Mutual

Fund Publishing's 2013 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

56. A select copy of SHPP's 2013 Municipal Bond Funds showing the imaginary fund name "Thames Capital Trust National Municipal Bond" (attached hereto as Exhibit 18) is provided below:



State Percentages for  
Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
T. Rowe Price	T/F High Yield	12.9	0.7		2.1		10.0	2.5	2.4	1.3	1.8	5.2	1.7	0.4	0.3	5.9	70.7	1.2	0.1
	T/F Income		0.4		1.9	0.1	14.7	1.8	1.1	0.4	4.8	7.0	3.0	0.3	0.1	8.5	84.7	0.2	0.3
	T/F MD Bond	11.4																	
	T/F MD Money	14.2																	
	T/F MD Short-Term Bond	10.3																	
	T/F NJ Bond	7.6																	
	T/F NY Bond	2.4																	
	T/F NY Money	8.3																	
	T/F Short-Interm	8.7	0.8		1.8	0.0	9.6	2.8		0.1	2.9	12.4	3.5	0.8		4.0	73.6		0.7
	T/F VA Bond	7.3																	
	CA & MN did not meet threshold requirements																		
	IL does not exempt dividends held indirectly																		
	IA, OK & WI - some dividend income may be subject to tax																		
	UT - includes interest on certain obligations acq. Before 2003																		
	IN - includes interest earned on IN and applicable non-Utah obl.																		
TD Asset Man.	CA Muni Portfolio	20.5					100.0												
	Institutional Muni	9.2		0.4			7.8		2.8				4.1		2.0	8.1	0.6	1.1	
	Muni Portfolio	21.5	1.4		1.4		8.9	0.6	1.3			1.3	5.2		1.5	7.9	1.0	1.6	
	NY Muni Portfolio	25.9																	
Thames Capital	Trust National Muni Bond		0.3		4.5	0.2	10.9	1.2	0.2	0.1		5.2	0.7	0.0	0.2	9.8	1.0	0.4	1.1
Thornburg	CA Ltd Term Muni	4.4																	

57. As shown in the above, the imaginary fund name "Thames Capital Trust National Municipal Bond" of the Mutual Fund Publishing reference book has been copied into the SHPP report along with the corresponding percentage of income for each state. Upon information and belief, the information used in the SHPP report pertaining to the "Thames Capital Trust National Municipal Bond" fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

**SHPP's Copying of Mutual Fund Publishing's 2012 Tax Reference Books**

58. Mutual Fund Publishing also used the same imaginary fund names such as “Thames Capital Trust” for its 2012 US Treasury’s Reference Books and “Ancora Municipal Obligations,” “MAI Wealth,” “Thames Capital Trust National Muni Bond,” and “Winter Stone Advisors” for its 2012 Municipal Reference Books. A copy of Mutual Fund Publishing’s 2012 US Treasury’s Reference Book showing the imaginary fund “Thames Capital Trust” is attached hereto as Exhibit 19. A copy of Mutual Fund Publishing’s 2012 Municipal’s Reference Book showing the imaginary funds “Ancora Municipal Obligations,” “MAI Wealth,” “Thames Capital Trust National Muni Bond,” and “Winter Stone Advisors” is attached hereto as Exhibit 20.

***Thames Capital Trust***

59. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary funds from Mutual Fund Publishing’s 2012 tax reference books. A select copy of Mutual Fund Publishing’s 2012 US Treasury’s Reference Book showing the imaginary fund name “Thames Capital Trust” is provided below:

MUTUAL FUND / ETF		2012 EARNINGS FROM US GOVERNMENT OBLIGATIONS									
FAMILY	NAME	UST	FAB	FFCB	SLMA	FHLB	FNMA GNMA	FHLMC	REPOS	TVA	(
Templeton	Global Smaller Companies										
Templeton	Global Total Return										
Templeton	Growth Fund, Inc										
Templeton	Institutional Funds Emerging Markets Series										
Templeton	Institutional Funds Foreign Equity Series										
Templeton	Institutional Funds Foreign Smaller Companies Series										
Templeton	Institutional Funds Global Equity Series										
Templeton	International Bond										
Templeton	Russia & East European Fund, Inc										
Templeton	TIF Emerging Markets Series										
Templeton	TIF Foreign Equity Series										
Templeton	TIF Foreign Smaller Companies Series										
Templeton	TIF Global Equity Series										
Templeton	World										
TETON Westwood	Balanced	7.21									
TETON Westwood	Equity										
TETON Westwood	Income	0.44									
TETON Westwood	Intermediate Bond	21.72									
TETON Westwood	Mighty Mites	0.21									
TETON Westwood	SmallCap Equity	0.61									
TFS	Hedged Futures										
TFS	Small Cap										
Thames Capital Trust	Balanced Allocation			1.92		3.47	25.16	18.71			
Thames Capital Trust	Conservative Allocation	1.95		1.41		16.26	29.02	27.50			
Thames Capital Trust	Growth Allocation						10.02	4.22			
Third Avenue	Focused Credit										

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60. As shown in the above, the “Thames Capital Trust” fund has three sub-names: “Thames Capital Trust Balanced Allocation,” “Thames Capital Trust Conservative Allocation,” and “Thames Capital Trust Growth Allocation.” “Thames Capital Trust Balanced Allocation” has “18.71” earning for the FHLMC, “Thames Capital Trust Balanced Conservative Allocation” has “27.50” earning for the FHLMC, and “Thames Capital Trust Growth Allocation” has “4.22” earning for the FHLMC. The information relating to these imaginary funds is created and compiled by Mutual Fund Publishing; and therefore, the same information is not available from

any other publicly available source. Further, as shown in the above, Mutual Fund Publishing's 2012 US Treasury's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

61. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund "Thames Capital Trust" from the Mutual Fund Publishing's 2012 US Treasury's Reference Book. A select copy of SHPP's 2012 US Government Obligations Report with the copied imaginary fund "Thames Capital Trust" (attached hereto as Exhibit 21) is provided below:



# U.S. Government Obligations Report

Fund Family	Fund Name	USGO	FAO	FFCB	FHLB	FHLMC	FNMA
Target Asset	See "Prudential"						
Target Portfolio	See "Prudential"						
Tarkio	Tarkio Fund	0.00					
TCM Funds	TCM Small Cap Growth Fund	0.00					
	TCM Small-Mid Cap Growth Fund	0.00					
TCW Funds	Concentrated Value						
	Core Fixed Income	1.79		0.05	0.17	12.79	12.04
	Dividend Focused						
	Emerging Markets Equities						
	Emerging Markets Income						
	Emerging Markets Local Currency Income						
	Enhanced Commodity Strategy	0.05				0.37	4.03
	Global Bond	1.06				2.87	8.91
	Growth Equities						
	High Yield Bond				0.01	0.08	
	International Small Cap						
	Money Market	10.04			0.01		
	Relative Value Large Cap						
	Select Equities						
	Short Term Bond	3.70		0.04	0.42	12.02	13.78
	Total Return Bond	2.67			0.51	24.25	29.83
	Value Opportunities						
	Repurchase agreements were collateralized by USGO						
	Funds not listed had no income derived from US gov't						
TD Asset Man.	Institutional Money Market Fund	0.14		0.13	0.67	0.34	0.78
	Institutional Treasury Obligations Money Market Fund	39.25					
	Institutional US Government Fund	1.17		13.95	24.57	18.37	11.92
	Money Market Portfolio	0.27		0.65	0.70	0.54	
	Short-Term Bond Fund	4.69				5.78	15.33
	Short-Term Investment Fund	3.25		2.99	1.48		
	US Government Portfolio	1.85		12.96	27.49	17.75	9.71
TEAM Assets	TEAM Asset Strategy Fund	0.00					
Teberg	The Teberg Fund	0.00					
Templeton	See "Franklin Templeton"						
Teton Westwood	See "Gabelli"						
TFS	TFS Hedged Futures Fund	0.00					
	TFS Small Cap Fund	0.00					
Thames	Capital Trust Balanced Allocation Fund			1.92	3.47	18.71	*
	Capital Trust Conservation Allocation Fund	1.95		1.41	16.26	27.50	*



# U.S. Government Obligations Report

Fund Family	Fund Name	USGO	FAO	FFCB	FHLB	FHLMC	FNMA
Thames	Capital Trust Growth Allocation Fund					4.22	*

62. As shown in the above, the fund names "Thames Capital Trust Balanced Allocation," "Thames Capital Trust Conservation Allocation," and "Thames Capital Trust Growth Allocation" are shown in the SHPP 2012 US Government Obligations Report. Further,

the exact same entries for the FHLMC are also copied into the SHPP report from the Mutual Fund Publishing reference book. For example, the SHPP 2012 US Government Obligations Report shows that “Thames Capital Trust Balanced Allocation” has “18.71” earning for the FHLMC, “Thames Capital Trust Balanced Conservative Allocation” has “27.50” earning for the FHLMC, and “Thames Capital Trust Growth Allocation” has “4.22” earning for the FHLMC respectively. Upon information and belief, the information used in the SHPP report pertaining to the “Thames Capital Trust” funds is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information.

***Thames Capital Trust National Municipal Bond***

63. Upon information and belief, SHPP also copied the fund information from the Mutual Fund Publishing’s 2012 Municipal’s Reference Book. Upon information and belief, SHPP copied the fund information pertaining to the imaginary fund “Thames Capital Trust National Municipal Bond” from Mutual Fund Publishing’s 2012 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2012 Municipal’s Reference Book showing the imaginary fund name “Thames Capital Trust National Municipal Bond” is provided below:

## ALL FIGURES SHOWN ARE PERCENTAGES

FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
T Rowe Price NJ Tax Free Bond	8.49								0.60									
T Rowe Price NY Tax Free Bond	3.58																	
T Rowe Price NY Tax Free Money	5.39					0.01												
T Rowe Price Summit Muni Inc *	8.57	0.80	0.15	0.96		18.96	0.67	0.72	1.42	3.43	6.76	2.90			3.13	87.10	0.20	1.52
T Rowe Price Summit Muni Intern *	6.00	0.52	0.36	1.10	0.06	10.86	2.66	0.05	0.24	2.29	11.14	3.23	1.49		3.27	93.85		1.33
T Rowe Price Summit Muni MMkt *	35.35		0.06	1.80		1.11	2.63		0.34	3.98	0.30	2.07		1.61	5.81	69.51		0.09
T Rowe Price Tax Exempt Money *	0.00		1.54	1.77		2.89	4.47		0.39	3.07	4.55	6.31	0.58	1.75	5.16	68.29		0.37
T Rowe Price Tax Free High Yield *	12.98	0.86		2.45		8.19	2.74	1.56	1.24	1.80	4.87	2.02	0.38	0.34	5.56	86.93	1.08	0.21
T Rowe Price Tax Free Income *	0.00	0.46		1.87	0.28	15.18	1.94	0.62	0.44	4.77	7.15	3.15	0.37	0.14	8.07	95.74	0.09	0.29
T Rowe Price Tax Free Shrt Intern *	9.92	1.04	0.02	1.45		8.54	3.59	0.05	0.17	3.18	14.49	3.49	0.75		3.09	92.08		0.78
T Rowe Price VA Tax Free Bond	7.65									10.85								
T Rowe Price *	* Note - Minimum threshold requirements were not met for CA & MN. IN % Includes non-IN obligations, including US territories, and interest on certain states' obligations acquired before January 1, 2003.																	
TD Asset Mgmt CA Muni Port	23.00					99.15												
TD Asset Mgmt Inst Muni MMkt	16.91		0.65			15.80		0.96				1.77		0.58	6.98	1.75	1.16	
TD Asset Mgmt Muni Port	29.01	1.49	0.46	1.61		10.75	1.29	0.86			1.71	4.04		1.50	5.32	0.98	1.75	
TD Asset Mgmt NY Muni Port	29.91																	
Thames Capital Trust Natl Muni Bd	18.41	0.30		4.01	0.27	11.63	0.91	0.22	0.18		4.21	0.96	0.03	1.48	5.01	1.83	0.70	1.21
Thornburg CA Limited Term Muni	5.46					100.00												
Thornburg Intern Muni *	6.14	1.05	0.54	3.44		11.83	3.46	0.25	0.01	2.28	9.26	1.95	1.31	0.09	8.00	5.65	0.44	0.26
Thornburg Intern Muni *	* Note - For IN residents, 10.62% was from non-IN bonds purchased after 12/31/11.																	
Thornburg Limited Term Muni *		1.69	0.78	4.50	0.22	9.56	2.24	0.03	0.01	1.22	9.09	2.96	0.37	0.49	8.16	4.28	0.48	0.67
Thornburg Limited Term Muni *	* Note - For IN residents, 6.05% was from non-IN bonds purchased after 12/31/11.																	
Thornburg NM Intern Muni	6.91																	
Thornburg NY Intern Muni	0.00																	
Thornburg Strategic Muni Income *	6.98	0.18		1.70		21.38	4.68	0.90	0.02	0.53	6.00	1.43	0.11		6.88	3.89		1.43

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64. A select copy of SHPP's 2012 Municipal Bond Funds with the copied imaginary funds "Thames Capital Trust" (attached hereto as Exhibit 22) is provided below.



## State Percentages for Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
TD Asset Man.	NY Muni Portfolio	29.9																	
Thames Capital	Trust National Muni Bond	18.4	0.3		4.0	0.3	11.6	0.9	0.2	0.2		4.2	1.0	0.0	1.5	5.0	1.8	0.7	1.2
Thornburg	CA Ltd Term Muni	5.5					100.0												
	Intern Muni	6.1	1.1	0.5	3.4		11.8	3.5	0.3	0.0	2.3	9.3	2.0	1.3	0.1	8.0	5.7	0.4	0.3
	Limited Term Muni		1.7	0.8	4.5	0.2	9.6	2.2	0.0	0.0	1.2	9.1	3.0	0.4	0.5	8.2	4.3	0.5	0.7
	NM Intern Muni	6.9																	
	NY Intern Muni																		
	Strategic Muni Income	7.0	0.2		1.7		21.4	4.7	0.9	0.0	0.5	6.0	1.4	0.1		6.9	3.9		1.4
Thrivent	Muni Bond		0.1	0.0	0.9	0.4	12.7	5.2			0.9	4.9	1.9	2.0		8.7	2.0	0.6	0.5
TIAA-CREF	Tax-Exempt Bond		1.1	0.2	3.1	0.4	14.1	2.6	0.8	0.8	0.4	6.0	0.9	0.9		9.4	4.7		0.2

65. As shown in the above, the fund name “Thames Capital Trust National Municipal Bond” and corresponding entries are copied into the SHPP 2012 Municipal Bond Funds. The information used in the SHPP report pertaining to the “Thames Capital Trust National Municipal Bond” funds is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, the Mutual Fund Publishing 2012 Municipal’s Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

### *Winter Stone Advisor*

66. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “Winter Stone Advisor” from Mutual Fund Publishing’s 2012 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2012 Municipal’s Reference Book showing the imaginary fund name “Winter Stone Advisor” is provided below:

FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Western Asset Muni MMkt	17.49			0.52		17.60	6.03	3.40		5.57	2.60	5.16			10.19	1.19	0.34	
Western Asset Muni Ptnrs Fund Inc	4.79		0.73	1.31		15.43	5.66				3.56				12.49	1.15		
Western Asset NJ Munis	15.24																	
Western Asset NY Muni MMkt	15.65																	
Western Asset NY Munis	4.75																	
Western Asset NY Tax Free MMkt	11.54																	
Western Asset OR Munis	6.66																	
Western Asset PA Munis	0.07																	
Western Asset Short Dur Muni Inc	9.17	1.49	0.82	1.22		11.50	3.22	1.61		0.70	8.43	1.63	0.07		5.52	4.00	0.25	0.47
Western Asset Tax Free Reserves	16.39	2.88	0.32	0.46		6.07	3.39	1.09	0.17	0.69	3.82	4.23	0.01		4.41	3.90	0.99	0.42
Wilmington MD Muni Bond	0.32									0.05								
Wilmington MTB NY Tax Fr MMkt	4.44	1.55																
Wilmington MTB PA Tax Fr MMkt	0.00										0.33							
Wilmington Muni Bond	1.35	1.29		3.86		8.99	2.81	0.17				3.72			8.07	2.85		
Wilmington NY Muni Bond	1.07																	
Wilmington PA Muni Bond	0.00																	
Wilmington Tax Exempt MMkt (Discontinued 03/09/12)	0.00		0.67	3.07		5.63		1.61	4.32		5.26	4.50		4.37	6.17			
Wilmington Tax Exempt MMkt *	0.00		0.52	0.57		2.47	0.18	0.52	8.12		1.58			3.12	1.84			
Wilmington Tax Exempt MMkt *	* Note - Formerly the MTB Tax Free Money Market Fund prior to March 9, 2012.																	
Wilmington VA Muni Bond	2.59									0.89								
Winter Stone Adv Natl Muni Bd		1.10	0.56	0.29	1.38	6.25	2.90	3.30	0.03	0.44	3.92	2.70		0.29	6.10	5.31	0.55	0.70

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67. A select copy of SHPP's 2012 Municipal Bond Funds with the copied imaginary funds "Winter Stone Advisor National Municipal Bond" (attached hereto as Exhibit 23) is provided below.



## State Percentages for Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Western Asset	WA NY Muni Fund	4.8																	
	WA NY Muni MMF	15.7																	
	WA NY T/F MMF	11.5																	
	WA OR Muni Fund	6.7																	
	WA PA Muni Fund	0.1																	
	WA Short Dur Mun Inc Fund	9.2	1.5	0.8	1.2		11.5	3.2	1.6		0.7	0.4	1.6	0.1		5.5	4.0	0.3	0.5
	WA T/F Res	16.4	2.9	0.3	0.5		6.1	3.4	1.1	0.2	0.7	3.8	4.2	0.0		4.4	3.9	1.0	0.4
	See Also "Legg Mason"																		
Wilmington	MD Muni Bond	0.3									0.1								
	MTB NY T/F MMF																		
	disc 3-9-12	4.4		0.7	3.1		5.6		1.6	4.3		5.3	4.5		4.4	6.2			
	MTB PA T/F MMF																		
	disc 3-9-12		1.6																
	Muni Bond Portfolio	1.4	1.3		3.9		9.0	2.8	0.2				3.7			8.1	2.9		
	NY Muni Bond	1.1																	
	PA Muni Bond - disc 11-30-12																		
	VA Muni Bond - disc 11-30-12	2.6									0.9								
	Tax Exempt MMF																		
	formerly MTB T/F MMF			0.5	0.6		2.5	0.2	0.5	8.1		1.6			3.1	1.8			
	T/E MMF - disc 3-9-12											0.3							
Winter Stone	Advisors National Muni		1.1	0.6	0.3	1.4	6.3	2.9	3.3	0.0	0.4	3.9	2.7		0.3	6.1	5.3	0.6	0.7

68. As shown in the above, the fund name "Winter Stone Advisors National Municipal" and corresponding entries are copied into the SHPP 2012 Municipal Bond Funds. Upon information and belief, the information used in the SHPP report pertaining to the "Winter Stone Advisors National Municipal" fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, the Mutual Fund Publishing 2012 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

### *Ancora Municipal Obligations*

69. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund "Ancora Municipal Obligations" from Mutual Fund Publishing's 2012 Municipal's Reference Book. A select copy of Mutual

Fund Publishing's 2012 Municipal's Reference Book showing the imaginary fund name "Ancora Municipal Obligations" is provided below:

**ALL FIGURES SHOWN ARE PERCENTAGES**

FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
American Funds *	* Note - ND residents can exclude 100% of their federally tax-exempt income dividends. IN %s include income from obligations from all st certain other states and obligations acquired prior to 1/1/03.																	
American Independence KS Tax Ex																		99.36
Ancora Muni Obligations		2.54	3.61	2.26	2.04	4.33	2.88	5.09	2.48	0.26	4.37	3.31	0.12	0.88	5.16	2.12	1.89	2.00
Aquila Churchill Tx Fr Fd of KY Cl A	14.25																	1
Aquila Hawaiian Tax Free Tr Cl A	9.32												99.79					
Aquila Hawaiian Tax Free Tr Cl C	9.32												99.80					
Aquila Narragansett Tax Fr Inc Cl A	0.00																	
Aquila Tax Free Fund for UT Cl A	3.67																	
Aquila Tax Free Fund for UT Cl C	3.67																	
Aquila Tax Free Fund of CO Cl A	0.00						99.99											
Aquila Tax Free Trust of AZ Cl A	1.85			99.70														
Aquila Tax Free Trust of AZ Cl C	1.85			99.73														
Aquila Tax Free Trust of AZ Cl Y	1.85			99.76														
Aquila Tax Free Trust of OR Cl A	0.00																	
Aquila Tax Free Trust of OR Cl C	0.00																	
Aquila Tax Free Trust of OR Cl Y	0.00																	
Archer Balanced				0.04		0.84									0.42			
Archer Income											1.86	0.96			3.68			
Baird Interm Muni Bond		1.98	0.13	1.40		6.17	5.89		0.04		10.90	4.26			12.64	1.75	0.15	0.22
Ballatore OR Interm Muni	6.73																	
BBH Limited Duration						0.30									1.00			
BBH MMkt				0.30		2.00		0.70				0.30			1.00			1.10
BBH MMkt Limited Duration						0.30									1.00			
BBIF Tax Exempt	17.37	1.73	0.88	1.24	0.07	8.27	0.72	0.67		0.46	4.32	1.22			5.35	1.76	3.49	0.72
BIF AZ Muni Money	61.68			98.98														

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70. A select copy of SHPP's 2012 Municipal Bond Funds with the copied imaginary funds "Ancora Municipal Obligations" (attached hereto as Exhibit 24) is provided below.



## State Percentages for Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Allianz	PIMCO Muni Inc III		2.1	0.0	5.6		14.7	0.9	0.3		1.7	5.4	0.4	0.3		5.1	1.1	0.4	
	PIMCO NY Muni Inc																		
	PIMCO NY Muni Inc II											0.5							
	PIMCO NY Muni Inc III										0.2								
Alpine	Muni Money Market	51.2	1.0	0.1			0.9	2.9	0.3	0.1		4.9	1.9			13.4	2.3	0.1	0.4
	Ultra Short Tax Opt Inc	24.3	3.8		2.3	0.5	8.0	0.4	0.3		0.2	2.4	2.1	0.1		9.6	4.3	0.7	0.1
American	See "First American"																		
American Century	CA H/Y Mun						100.0												
	CA Interm-Term T/F Bond						100.0												
	CA Long Term T/F						100.0												
	CA T/F MM	0.1					100.0												
	High Yield Muni	6.7	1.0		2.0		16.0	6.0		1.0		6.0	5.0	1.0		5.0	1.0		
	Interm-Term T/F Bond				3.0		20.0	2.0	1.0		1.0	6.0	2.0	1.0		5.0	1.0		
	Long-Term T/F		1.0		3.0		22.0	2.0	1.0		1.0	4.0	2.0			6.0	1.0		
	NY T/F																		
	T/F MM	18.1	1.0				48.0	3.0				3.0	2.0		3.0	3.0		2.0	
American Funds	Amer High-Inc Muni Bond	18.5	0.2	0.0	3.2			5.0	1.3	0.0	0.4	10.2	3.9	0.3	0.2		88.3	0.4	0.6
	Amer Short-Term T/E Bond	22.0	0.9	0.1	2.3			1.7	0.8	1.2	0.8	15.1	1.9	0.8	0.5		86.9		0.1
	Amer Tax Adv Income Port	10.1	0.2	0.1	3.4			4.0	0.8	0.1	0.8	9.9	4.0	0.2	0.2		90.5	0.3	0.5
	Amer T/E Fund of NY	8.6																	
	Amer T/E Preser Port	12.0	0.4	0.1	3.1			2.2	0.4	0.2	1.6	10.7	3.6	0.6	0.3		92.0	0.1	0.3
	Ltd Trm T/E Bnd Fnd of Am	18.8	0.6	0.1	2.8			1.8	0.5	0.2	1.8	11.4	3.3	0.9	0.5		91.3	0.2	0.2
	T/E Bnd Fnd of Am		0.2	0.1	3.7			2.8	0.2	0.1	1.3	9.5	4.1	0.1	0.1		93.2	0.1	0.4
	T/E Fnd of CA	8.1					100.0												
	T/E Fnd of MD	6.8																	
	T/E Fnd of VA	11.4																	
	IN - includes income from obl. from all states prior to 2012																		
	UT - includes income from obl. from certain states prior to 2003																		
American Indep.	KS Tax Exempt Bond																		99.4
Ancora	Muni Obligations		2.5	3.6	2.3	2.0	4.3	2.9	5.1	2.5	0.3	0.4	3.3	0.1	0.9	5.2	2.1	1.9	2.0

71. As shown in the above, the fund name "Ancora Municipal Obligations" and corresponding entries are copied into the SHPP 2012 Municipal Bond Funds. Upon information and belief, the information used in the SHPP report pertaining to the "Ancora Municipal Obligations" fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, the Mutual Fund Publishing 2012 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

***MAI Wealth Tax Free Income***


72. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “MAI Wealth Tax Free Income” from Mutual Fund Publishing’s 2012 Municipal’s Reference Book. A select copy of Mutual Fund Publishing’s 2012 Municipal’s Reference Book showing the imaginary fund name “MAI Wealth Tax Free Income” is provided below:

**ALL FIGURES SHOWN ARE PERCENTAGES**

FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
MAI Wealth Tax Free Income	2.50	3.70	0.07	0.17	0.25	9.50	0.61	1.69	0.27	1.09	5.36	5.07	0.18	0.17	4.15	3.24	0.22	0.56
MainStay High Yield Muni Bond *	5.50	4.70	0.70	1.30	0.30	15.90	2.40	0.30	0.10	1.30	3.00	0.80	0.10		1.90	3.90	2.60	0.30
MainStay NY Tax Free Opp	2.00																	
MainStay Tax Free Bond *	2.50	1.20		0.70		27.60	1.50	1.30		0.40	3.20	2.00	0.70		1.90	1.60		0.30
MainStay *	* Note - None of the dividends qualifies for an exemption in CA, MN & NJ.																	
Managed Dur Invest Grade Muni		1.99	0.50	0.31	0.02	9.60	0.02	0.40	0.96	1.22	5.21	0.17	0.65		7.53	2.00	2.54	
Managers CA Intern Tax Free	0.00					97.10												
Managers GK&W Muni Enhncd Yld	0.95	0.59		4.85		11.85	2.90	0.08		2.82	3.17	2.39	0.79		4.19	2.55	1.17	
Managers GW&K Muni Bond	0.00			3.64		11.81	0.72				6.53	0.16			7.12		0.73	1.15
Manning & Napier Divers Tax Ex Ser	0.00	0.32	0.11	2.43	1.50	1.35	1.91	0.34	1.39	0.59	5.13	5.33	1.09		1.71	5.04	2.72	2.94
Manning & Napier NY Tax Ex Series	0.00																	
Manning & Napier OH Tax Ex Series	0.00																	
MFS AL Muni Bond	6.39	80.00		0.21		1.21	0.57				1.99				1.57			
MFS AR Muni Bond	3.88			0.22	70.85	2.00	0.48				0.91	0.36			0.97	0.61		
MFS CA Muni	4.46					95.67												
MFS CA Muni Bond	3.68					95.00									1.04			
MFS GA Muni Bond	6.38					1.49	0.56				2.04	76.95			1.83			
MFS High Inc Muni Trust	13.50	1.44		1.13		9.94	5.20		0.35	0.40	7.25	1.81	0.71	0.82	9.15	1.89	1.57	0.02
MFS High Yield Muni Trust	12.90	1.60		1.47		9.29	2.99	0.03	0.44	0.33	5.71	1.90	0.32	1.62	8.61	2.65	1.52	0.22
MFS Invest Grade Muni Trust	9.27	0.84		2.01		11.37	1.91	0.59		1.18	3.23	2.15	0.78		8.73	3.50	0.47	
MFS MA Muni Bond	10.82			0.22		0.91	0.44				0.95	0.37			1.74			
MFS MD Muni Bond	5.51					0.99	0.48			1.65	0.84				0.92	0.49		
MFS MS Muni Bond	4.01			0.22		1.78	0.49				1.00	0.36			1.47			
MFS Muni High Inc	13.50	1.41	0.27	1.91	0.07	9.04	3.68		0.30	0.19	7.14	2.45	0.73		6.80	1.03	1.49	0.82
MFS Muni Income	7.17	0.55		2.16		12.22	2.51	0.60	0.04	0.24	6.04	4.09	1.05		9.28	1.73	1.19	0.54

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73. A select copy of SHPP's 2012 Municipal Bond Funds with the copied imaginary funds "MAI Wealth Tax Free Income" (attached hereto as Exhibit 25) is provided below.



# State Percentages for Municipal Bond Funds

Alabama through Montana

FUND FAMILY	FUND NAME	AMT	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS
Lord Abbett	NJ T/F	6.6																	
	NY T/F	11.8																	
	Short Duration T/F		0.7	0.6	2.8		11.6	3.3	1.3		0.1	7.3	2.5	0.2		7.8	2.5	0.2	0.0
Madison Mosaic	T/F National	2.3																	
	T/F VA	3.5																	
MAI	Wealth T/F Income	2.5	3.7	0.1	0.2	0.3	9.5	0.6	1.7	0.3	1.1	5.4	5.1	0.2	0.2	4.2	3.2	0.2	0.6
MainStay	High Yield Muni Bond*	5.5	4.7	0.7	1.3	0.3	15.9	2.4	0.3	0.1	1.3	3.0	0.8	0.1		1.9	3.9	2.6	0.3
	NY T/F Opportunities	2.0																	

74. As shown in the above, the fund name "MAI Wealth Tax Free Income" and corresponding entries are copied into the SHPP 2012 Municipal Bond Funds. Upon information and belief, the information used in the SHPP report pertaining to the "MAI Wealth Tax Free Income" fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, the Mutual Fund Publishing 2012 Municipal's Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing.

#### **SHPP's Copying of Mutual Fund Publishing's 2009 and 2010 Tax Reference Books**

75. Mutual Fund Publishing also used an imaginary fund name "Englenook" for Mutual Fund Publishing's 2010 tax reference books. A copy of Mutual Fund Publishing's 2010 US Treasury's Reference Book showing the imaginary fund "Englenook" is attached hereto as Exhibit 26.

76. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund "Englenook" from the Mutual Fund Publishing's 2010 US Treasury's Reference Book. A copy of SHPP's 2010 US

Government Obligations Report with the copied imaginary fund “Englenook” is attached hereto as Exhibit 27.

77. Upon information and belief, the information used in the SHPP report pertaining to the “Englenook” fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, Mutual Fund Publishing’s 2010 US Treasury’s Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing. *See* Exhibit 26.

78. Mutual Fund Publishing also used the same imaginary fund “Englenook” for the 2009 tax reference book. A copy of Mutual Fund Publishing’s 2009 US Treasury’s Reference Book showing the imaginary fund “Englenook” is attached hereto as Exhibit 28.

79. Upon information and belief, SHPP copied the fund information, including but not limited to, the information pertaining to the imaginary fund “Englenook” from the Mutual Fund Publishing’s 2009 US Treasury’s Reference Book. A copy of SHPP’s 2009 US Government Obligations Report with the copied imaginary fund “Englenook” is attached hereto as Exhibit 29.

80. Upon information and belief, the information used in the SHPP report pertaining to the “Englenook” fund is copied from the Mutual Fund Publishing reference book because such information is created by Mutual Fund Publishing and no other publicly available source provides the same information. Further, Mutual Fund Publishing’s 2009 US Treasury’s Reference Book indicates that the information contained in the book is copyrighted by Mutual Fund Publishing. *See* Exhibit 28.

81. The above instances of SHPP's copying of the Mutual Fund Publishing tax reference books are shown only as an example, and upon information and belief, there are more instances of SHPP's copying of Mutual Fund Publishing's proprietary and copyrighted materials that may be discoverable through formal discovery.

82. Mutual Fund Publishing's proprietary and copyrighted materials included in its tax reference books are also available online through Mutual Fund Publishing's Tax Guides or Online Tax Guides. Upon information and belief, SHPP also copied Mutual Fund Publishing's proprietary and copyrighted materials, including but not limited to Mutual Fund Publishing's imaginary funds, from Mutual Fund Publishing's Mutual Fund Tax Guides or Mutual Fund Online Tax Guides.

83. Due to the existence of SHPP's copied tax reference books and the comparability of SHPP's copied materials to Mutual Fund Publishing's original work, Mutual Fund Publishing was unable to increase book/guide fees over the past years, although labor and material costs have increased year after year.

84. Upon information and belief, SHPP sells its tax reference books cheaper than Mutual Fund Publishing's tax reference books/guides to gain more market share and to remain competitive with Mutual Fund Publishing's tax reference books/guides.

85. Upon information and belief, the reason SHPP's tax reference books remain competitive with Mutual Fund Publishing's tax reference books/guides is because SHPP used Mutual Fund Publishing's proprietary and copyrighted materials to supplement SHPP's work to produce a competitive product.

86. In April and May 2016, Mark Knowles contacted Gary Breneman, an owner of Mutual Fund Publishing, with a nonspecific offer to sell SHPP's business to Mutual Fund

Publishing. Upon information and belief, SHPP was able to build its business in part by undercutting Mutual Fund Publishing's prices and using Mutual Fund Publishing's proprietary and copyrighted work to make SHPP's products competitive. Upon information and belief, the equity built up in SHPP has been created through years of copying Mutual Fund Publishing's proprietary and copyrighted materials.

**Defendant JSP's Infringing Activities**

87. Upon information and belief, Defendant JSP is in the business of providing payroll services.

88. Upon information and belief, JSP's business is not related to any tax preparation or mutual funds.

89. Upon information and belief, JSP is owned by an individual named Jill Simmons, who is related by marriage to Mark Knowles and Wendy Knowles.

90. Upon information and belief, JSP began purchasing Mutual Fund Publishing's tax reference books/guides in 2005. In particular, JSP purchased Mutual Fund Publishing's Mutual Fund Tax Guide and/or Treasury and Municipal Reference Books at least from 2006 to 2016. In order to buy Mutual Fund Publishing's tax reference books/guides, JSP visited Mutual Fund Publishing's website and made payments accordingly every year from 2006 to 2016. The records of JSP's payments for the purchase of the Mutual Fund Publishing tax reference books/guides from 2006 to 2016 are attached hereto as Exhibit 30.

91. Upon information and belief, JSP began purchasing a single user edition of the online version of 2005 Mutual Fund Publishing's tax reference books/guides in 2006. JSP's registered user id with Mutual Fund Publishing is "jdsimmons."

***JSP's Unique Pattern of Its User ID***

92. Upon information and belief, whenever Mutual Fund Publishing releases its tax reference guide around the end of January each year, JSP's usage of its user id for purposes of accessing the Mutual Fund Publishing tax reference materials online shows a sudden increase until a certain date in February. After that, JSP's usage of its user id suddenly drops and then completely stops.

93. JSP's pattern of using its user id with respect to accessing the Mutual Fund Publishing tax reference materials is the opposite of what other users are doing. Typical usage is light in the early season of a year and starts to grow as tax season progresses. For example, typical usage slows down only after April 15 and continues to exist through October 15 with tax returns filed on extension.

94. From January 31, 2011 through February 18, 2011, JSP's user id "jdsimmons" was heavily used to access the 2010 Mutual Fund Tax Guide. The usage of "jdsimmons" was light until March 24, 2011 but then suddenly ceased for the remainder of the 2011 calendar year.

95. From February 3, 2012 through February 15, 2012, JSP's user id "jdsimmons" was heavily used to access the 2011 Mutual Fund Tax Guide. The usage of "jdsimmons" was light until March 31, 2012 but then suddenly ceased for the remainder of the 2012 calendar year.

96. From February 5, 2013 through February 12, 2013, JSP's user id "jdsimmons" was heavily used to access the 2012 Mutual Fund Tax Guide. The usage of "jdsimmons" ceased for the remainder of the 2013 calendar year.

97. From February 1, 2014 through February 11, 2014, JSP's user id "jdsimmons" was heavily used to access the 2013 Mutual Fund Tax Guide. The id "jdsimmons" was once

used on February 17, 2014 and three more times on April 28, 2014 but then suddenly ceased for the remainder of the 2014 calendar year.

98. From February 4, 2015 through February 10, 2015, JSP's user id "jdsimmons" was heavily used to access the 2014 Mutual Fund Tax Guide. The usage of "jdsimmons" was light until February 22, 2015 but then suddenly ceased for the remainder of the 2015 calendar year.

99. From February 3, 2016 through February 13, 2016, JSP's user id "jdsimmons" was heavily used to access the 2015 Mutual Fund Tax Guide. The usage of "jdsimmons" was light until March 13, 2016 but then suddenly ceased and continue to be ceased up to the present time. A copy of a record showing the usage of "jdsimmons" during the relevant time frame between 2011 to 2016 is attached hereto as Exhibit 31.

100. Mutual Fund Publishing's period of collecting annual tax information is primarily from mid-January through the end of the second week of February. Mutual Fund Publishing continues to obtain additional information through the end of March which it includes in addendum information.

***JSP's Contributory Infringement***

101. Upon information and belief and based on the unique pattern of using its user id that differs from other typical usages, JSP uses its user id to access Mutual Fund Publishing's proprietary and copyrighted information concerning the Mutual Fund Publishing tax reference books/guides. Upon information and belief, JSP provides the information it obtained from Mutual Fund Publishing concerning the Mutual Fund Publishing tax reference books/guides to SHPP or provides the access information to SHPP such that SHPP can access Mutual Fund Publishing's tax reference books/guides.

102. Upon information and belief, SHPP obtains Mutual Fund Publishing's proprietary and copyrighted materials through JSP or JSP's access information, and copies such information into its tax reference books.

103. Upon information and belief, JSP decompiles, disassembles, or creates derivative works of the Mutual Fund Publishing proprietary and copyrighted materials or provides the Mutual Fund Publishing proprietary and copyrighted materials to SHPP such that SHPP can decompile, disassemble, or create derivative works of the Mutual Fund Publishing proprietary and copyrighted materials.

104. Upon information and belief, Mark Knowles (or SHPP) uses the JSP user id to access the Mutual Fund Publishing online database. Upon information and belief, the IP address of a computer used to access the Mutual Fund Publishing online database by using the JSP user id traces back to an address of a company called Webformix Company ("Webformix") at least for the past 3 years. A copy of a record showing that the IP address of a computer used to access the Mutual Fund Publishing online database is located at Webformix is attached hereto as Exhibit 32. Upon information and belief, Webformix is affiliated with or related with Mark Knowles.

#### **The Contract At Issue**

105. Mutual Fund Publishing has provided a standard license contract ("the Contract") to its customers who want to purchase or use Mutual Fund Publishing's tax reference books/guides at least since 2011. A copy of the Contract is attached thereto as Exhibit 33. The Contract is provided to customers with a program. By using the enclosed program, customers are agreeing to be bound by the terms and conditions of the Contract. *See* Exhibit 33.

106. The Contract states that the ownership of all copies of the files/reference products contained on the installation set are owned by Mutual Fund Publishing. *See* Exhibit 33.

107. The Contract states that a single-user license is not a concurrent user license:

Single-User License: This is NOT a concurrent user license. MFPCO hereby grants the purchaser a nonexclusive, nontransferable license to operate these reference products by one individual only. These MFPCO reference products may not be copied onto a network file server (neither a local area network [LAN] nor a wide area network [WAN]) for multiple users unless the licensee has purchased a Multiple-User License.

Exhibit 33.

108. Further, the Contract states that:

COPYRIGHT: All proprietary rights in the Licensed Book Products and/or Licensed Reference Products and legal title thereto shall remain in MFPCO. MFPCO reserves all patent, copyright, trade secret, trade name, trademark and other proprietary rights related to the Licensed Reference products, and licensee shall not infringe or violate such rights. Licensee may not modify, adopt, translate, reverse engineer, decompile, disassemble, or create derivative works based on the Licensed Reference products.

Exhibit 33.

109. By purchasing and using the Mutual Fund Publishing tax reference books/guides, JSP agreed to be bound by the terms and conditions of the Contract.

110. Upon information and belief, JSP provided Mutual Fund Publishing's proprietary and copyrighted information to SHPP that JSP obtained through JSP's license of Mutual Fund Publishing's tax reference books/guides under the Contract.

111. Upon information and belief, JSP decompiled, disassembled, or created derivative works based on the Mutual Fund Publishing tax reference books/guides for SHPP's use or provided the Mutual Fund Publishing tax reference books/guides to SHPP such that SHPP can

decompile, disassemble, or create derivative works based on the Mutual Fund Publishing tax reference books/guides.

112. Upon information and belief, JSP provided its single-user license to SHPP so that SHPP can access the Mutual Fund Publishing online database.

**COUNT I  
BREACH OF CONTRACT AGAINST JSP**

113. Mutual Fund Publishing restates and incorporates each of the allegations contained in Paragraphs 1 through 111 of the Complaint as if fully set forth herein.

114. The Contract is a valid and enforceable contract entered into by and between Mutual Fund Publishing and JSP.

115. JSP has breached its contractual obligations under the Contract, including, but not limited to the following:

- a. JSP has provided its single-user license under the Contract to SHPP such that SHPP can access the Mutual Fund Publishing online database, and therefore, has breached the Single-User License provision of the Contract;
- b. JSP has provided the proprietary and copyrighted information of Mutual Fund Publishing to SHPP that JSP obtained through JSP's license under the Contract without permission of Mutual Fund Publishing, and therefore, has violated the Copyright provision of the Contract; and
- c. JSP has decompiled, disassembled, or created derivative works based on the Mutual Fund Publishing tax reference books/guides for SHPP's copying of the same or provided the Mutual Fund Publishing tax reference books/guides to SHPP such that SHPP can decompile, disassemble, or create derivative works of

the Mutual Fund Publishing tax reference books/guides, and therefore, has breached the Copyright provision of the Contract.

116. Mutual Fund Publishing suffered damages as a result of JSP's numerous forms of breach of the Contract, including but not limited to, lost profits, lost opportunities, lost future royalties, and actual damages.

**COUNT II**  
**COPYRIGHT INFRINGEMENT IN VIOLATION OF 17 U.S.C. § 501 AGAINST SHPP**

117. Mutual Fund Publishing restates and incorporates each of the allegations contained in Paragraphs 1 through 115 of the Complaint as if fully set forth herein.

118. Through a valid and enforceable assignment, Mutual Fund Publishing owns valid and enforceable copyrights in the information and compilation contained within the US Treasury's Reference Books published between 1994 and 2013.

119. Through a valid and enforceable assignment, Mutual Fund Publishing owns valid and enforceable copyrights in the information and compilation contained within the Municipal's Reference Books published between 1996 and 2013.

120. Through a valid and enforceable assignment, Mutual Fund Publishing owns valid and enforceable copyrights in the information and compilation contained within the Mutual Fund Tax Guides published between 2001 and 2006.

121. SHPP has infringed and will continue to infringe Mutual Fund Publishing's copyrights in and relating to Mutual Fund Publishing's US Treasury's Reference Books, Municipal's Reference Books, and/or Mutual Fund Tax Guides by copying certain information and compilation, including but not limited to, the information relating to the imaginary funds into SHPP's own tax reference books.

122. SHPP's infringements were willful in light of the fact that SHPP knew that the information and compilation contained within Mutual Fund Publishing's US Treasury's Reference Books, Municipal's Reference Books, and/or Mutual Fund Tax Guides are copyrighted or otherwise contain Mutual Fund Publishing's proprietary information. Despite such knowledge, SHPP continued to copy the information and compilation contained within Mutual Fund Publishing's proprietary and copyrighted materials into SHPP's own tax reference books.

123. SHPP did not have permission or a license to use the information and compilation contained within Mutual Fund Publishing's proprietary and copyrighted materials.

124. SHPP's wrongful acts constitute a violation of 17 U.S.C. § 501.

125. Mutual Fund Publishing is entitled to and elects to recover statutory damages or any other damages deemed just from SHPP.

126. Mutual Fund Publishing has and will continue to incur legal fees and costs in prosecuting this claim.

127. Mutual Fund Publishing is entitled to an injunction restraining SHPP and its officers, agents, employees, and all persons acting on its behalf, from engaging in any further violation of Mutual Fund Publishing's copyrights.

### **COUNT III CONTRIBUTORY COPYRIGHT INFRINGEMENT AGAINST JSP**

128. Mutual Fund Publishing restates and incorporates each of the allegations contained in Paragraphs 1 through 126 of the Complaint as if fully set forth herein.

129. Defendant SHPP, without authorization, copied, reproduced, and/or distributed the information and compilation, including those relating to the imaginary funds, contained within Mutual Fund Publishing's US Treasury's Reference Books, Municipal's Reference

Books, and/or Mutual Fund Tax Guides thereby directly infringing Mutual Fund Publishing's copyrights.

130. JSP contributed to and allowed the infringing acts of SHPP by providing Mutual Fund Publishing's copyrighted works to SHPP or providing the access information of Mutual Fund Publishing's online database to SHPP so that SHPP can have unauthorized access to Mutual Fund Publishing's online database.

131. JSP was aware, should have been aware, or was willfully blind to the infringing activity of SHPP.

132. JSP aided, abetted, allowed, and encouraged SHPP to copy, reproduce, and/or distribute Mutual Fund Publishing's copyrighted works without regard to Mutual Fund Publishing's copyrights.

133. JSP had the obligation and ability to control and stop the infringements, however, JSP failed to do so.

134. JSP materially contributed to the infringements of SHPP.

135. JSP had actual, constructive, or should have had actual or constructive knowledge of the infringing acts of SHPP.

136. JSP's conduct, acts, and omissions demonstrate contributory copyright infringement.

**COUNT IV  
TORTIOUS INTERFERENCE WITH BUSINESS EXPECTANCY/CONTRACT  
AGAINST SHPP**

137. Mutual Fund Publishing restates and incorporates each of the allegations contained in Paragraphs 1 through 135 of the Complaint as if fully set forth herein.

138. Mutual Fund Publishing has developed and maintains actual and prospective business relationships and/or contractual relationships with its customers and prospects that promise a continuing probability of future economic benefit to Mutual Fund Publishing.

139. SHPP knew or reasonably should have known of the foregoing relationships as a result of SHPP's knowledge of Mutual Fund Publishing's products and business and SHPP's relationship with JSP.

140. SHPP improperly interferes with and continues to interfere with Mutual Fund Publishing's relationships with Mutual Fund Publishing's customers and prospects by competing with Mutual Fund Publishing in the sale of tax reference books/guides to customers and prospects of Mutual Fund Publishing. SHPP used Mutual Fund Publishing's proprietary and copyrighted materials to supplement SHPP's tax reference books to make those competitive.

141. There was no privilege or justification for SHPP's conduct.

142. SHPP's actions were undertaken maliciously, willfully, wantonly, and/or with reckless disregard for the rights of Mutual Fund Publishing.

143. As a direct and proximate result of SHPP's wrongful conduct, in the form of lost sales/profits and market share and unjust enrichment to SHPP, Mutual Fund Publishing has sustained and will continue to sustain damages.

144. SHPP's conduct has caused and will continue to cause irreparable injury to Mutual Fund Publishing because SHPP will continue to injure Mutual Fund Publishing's existing prospective business, goodwill, and reputation unless injunctive relief is granted to Mutual Fund Publishing.

**PRAYER FOR RELIEF**

**WHEREFORE**, Mutual Fund Publishing respectfully requests this Court to enter the following relief:

(A) A Declaration that JSP has breached the Contract.

(B) A Ruling that JSP has breached the Contract and awarding Mutual Fund Publishing damages to be determined at trial.

(C) A preliminary and permanent injunction enjoining Defendants SHPP and JSP, their employees, officers, directors, attorneys, representatives, successors, affiliates, parent, subsidiaries, licensees, and assigns, and all those in active concert or participation with any of them, from the following acts:

(i) decompiling, disassembling, and creating derivative works of Mutual Fund Publishing's proprietary and copyrighted information contained within Mutual Fund Publishing's US Treasury's Reference Books, Municipal's Reference Books, and/or Mutual Fund Tax Guides; and

(ii) distributing, reproducing, and copying any of Mutual Fund Publishing's proprietary and copyrighted information contained within Mutual Fund Publishing's US Treasury's Reference Books, Municipal's Reference Books, and/or Mutual Fund Tax Guides.

(D) A preliminary and permanent injunction enjoining Defendant SHPP, its employees, officers, directors, attorneys, representatives, successors, affiliates, parent, subsidiaries, licensees, and assigns, and all those in active concert or participation with any of them, from the following acts:

(i) directly or indirectly soliciting, calling, contacting, calling upon, accepting business form, emailing, or taking away any of Mutual Fund Publishing's accounts, customers,

or prospects or inducing them to reduce their business with Mutual Fund Publishing or divert their business away from Mutual Fund Publishing; and

(ii) marketing and selling any of SHPP's tax reference books that contain any of Mutual Fund Publishing's proprietary and copyrighted materials.

(E) SHPP and JSP be ordered to destroy or return to Mutual Fund Publishing all copies and versions of Mutual Fund Publishing's proprietary and copyrighted materials, including electronic versions, and any other documents that contain or disclose such materials.

(F) Statutory damages in which Mutual Fund Publishing is entitled to pursuant to 17 U.S.C. § 504(c).

(G) Mutual Fund Publishing's attorneys' fees, costs, and expenses pursuant to 17 U.S.C. § 505 because of the exceptional nature of this case resulting from Defendants' deliberate conduct and infringing actions.

(H) Damages incurred as a result of SHPP's and JSP's infringement of Mutual Fund Publishing's copyright.

(I) And all other and further relief that this Court deems just and proper.

Date: July 7, 2016

Respectfully submitted,

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